

REZONING APPLICATION



City of Vernon Code Enforcement
1725 Wilbarger Street Vernon, TX 76384
940-552-2581 (fax) 940-552-0569

Application Fee = \$100

I/we request the rezoning of Lot(s) _____,
Block(s) _____ of _____
Addition from _____
Zoning to _____ Zoning
for _____.

(If property is not platted please note and attach metes and bounds legal description of property to application form.)

Name (s): _____

Address: _____

Telephone: _____

Signature(s) of Owners: _____

ARTICLE IV – CHANGES AND AMENDMENTS

SECTION 401.1 Declaration of Policy

The City Commission declares the enactment of these regulations governing the use and development of land, buildings and structures as a measure necessary to the orderly development of the Community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- A. To correct a manifest error in the regulations or map, or
- B. To recognize changed or changing conditions or circumstances in a particular locality, or
- C. To recognize changes in technology, the style of living, or manner of doing business.

Every proposal to amend these regulations shall be considered in light of the above declaration of policy and by the purposes enumerated in Section 101.2 of these regulations.

SECTION 402.1 Authority to Amend Ordinance

The City Commission may from time to time, after public hearings required by law, amend, supplement or change the regulations. Any amendment, supplement or change may be ordered for consideration by the City Commission, be initiated by the Planning and Zoning Commission, or be requested by proposal of the owner of the property or by a person holding a lease on the property with the consent of its owner. The Planning and Zoning Commission on its own motion, or on request of the City Commission, may initiate consideration of a change in any district boundary or zoning regulation whenever it finds that public benefit will derive from consideration of such matter. Final approval rests with the City Commission.

SECTION 403.1 Procedure

A. Proposal Required

Every proposal to amend these regulations shall be considered in light of the above declaration of policy and by the purposes enumerated in Section 101.2, Interpretations and Purposes.

B. Public Hearing and Notice

Prior to making its report to the City Commission, the Planning and Zoning Commission shall hold at least one public hearing thereon. Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for city taxes, located within two hundred (200) feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the City Tax Roll and depositing the notice, postage paid, in the United States Mail. Notice of hearing on proposed changes in zoning regulations shall be accomplished by one publication not less than fifteen (15) days prior thereto in the official paper of the City.

C. Planning and Zoning Commission Report

The Planning and Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan at such time as the Comprehensive Plan has been adopted by the City Commission. The Planning and Zoning Commission may defer its report for not more than ninety (90) days until it has had opportunity to consider other proposed changes, which may have a direct bearing thereon. In making its determination, the Planning and Zoning Commission shall consider the following factors:

- 1. Whether the uses permitted by the proposed change would be appropriate in the area concerned;
- 2. Whether adequate public school facilities and other public services exist or can be provided to serve the needs of additional residences likely to be constructed as a result of such change, and the consequences of such change;
- 3. Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewers to the area;
- 4. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances, which may make a substantial part of such vacant land unavailable for development;
- 5. The recent rate at which land is being developed in the proposed zoning district, particularly in the vicinity of the proposed change.
- 6. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

D. City Commission Consideration

1. Proposal Recommended for Approval

Every proposal which is recommended favorably by the Planning and Zoning Commission shall be forwarded to the City Commission for setting and holding of public hearings thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

2. Proposal Recommended for Denial

When the Planning and Zoning Commission determines that a proposal should be denied, it shall so report and recommend to the City Commission. No public hearings shall be set on the proposal until and unless the City Commission has reviewed the recommendations of the Planning and Zoning Commission, has considered any appeal, as provided below, and has adopted a motion setting the matter for hearing.

3. Appeal Procedure

An appeal from the decision of the Planning and Zoning Commission may be taken whenever any interested party is aggrieved by the action of the Planning and Zoning Commission on a specific proposal. Such appeal shall show that the Planning and Zoning Commission either 1) has been prejudice in its deliberation, or 2) has not been given the opportunity to consider certain information because it could not have been made available to the Planning and Zoning Commission at the time of its public hearing. The following procedure shall be required.

- a. The aggrieved party shall reduce his appeal to writing stating specifically how, in his opinion, the Planning and Zoning Commission committed error. He shall file his appeal with the City Secretary and the Planning and Zoning Commission within thirty (30) days following the Planning and Zoning Commission action. The City Secretary shall forward the appeal to the City Commission with the regular report of Planning and Zoning Commission action on the subject proposal.
- b. Upon receipt of written appeal, the City Commission shall determine whether or not the Planning and Zoning Commission committed error. If the City Commission concludes that certain previously unavailable information should be considered by the Planning and Zoning Commission, it may refer the original proposal and the appeal for a new hearing, new report and recommendation. If the City Commission concludes that Planning and Zoning Commission prejudice prevents a fair hearing or recommendation, the City Commission may schedule its own hearing on the original proposal and recommendation.

E. City Commission Hearing and Notice

The City Commission may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. Public hearings on such amendment, supplement, or change shall be held by the City Commission. Notice of City Commission public hearings shall be given by publication one time in the official paper of the City, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date publication.

F. Negative Recommendations: Written Protest

An amendment, supplement, or change shall not become effective, except by favorable vote of three-fourths of the members of the City Commission...

- 1. If the Planning and Zoning Commission recommends disapproval of the proposed change, or
- 2. If written protest is filed by owner either:
 - a. Of the area of the lots or land included in such proposed change, or
 - b. Of the lots or land immediately adjoining the area of such proposed change and extending two hundred (200) feet there from.

Protests signed by property owners may be filed prior to or at one of the public hearings conducted by either the Planning and Zoning Commission or the City Commission. Written protests filed with the Planning and Zoning Commission shall be forwarded to the City Commission with the Planning and Zoning Commission's recommendation on the request.

SECTION 404.1 Limitation on Re-applications

When the City Commission has denied a proposal, or when the applicant has withdrawn his proposal at the Planning and Zoning Commission meeting thereon, no new application of like nature shall be accepted by the City or scheduled for hearing by the Planning and Zoning Commission within a period of twelve (12) months of the date of City Commission denial or applicant's withdrawal. Provided, however, on receipt of written request by the original applicant stating how conditions have changed substantially in the community since prior consideration of his proposal so as to justify an earlier review of this matter, the City Commission may waive the mandatory delay period and authorize the acceptance of a new application.